

ORDINANCE NO.: 2009-03-02

AMENDMENT TO ORDINANCE NO. 2008-10-01 AND AN ORDINANCE REVISING AND READOPTING SEC. 10-5 OF THE CODE OF ORDINANCES, CITY OF LEEDS, ALABAMA

WHEREAS, effective January 10, 1980, the City of Leeds adopted and enacted the Code of Ordinances, City of Leeds, Alabama, which included Sec. 10-5 titled "Open burning."

WHEREAS, on August 6, 2008, the City of Leeds adopted Ordinance No. 2008-10-01 titled "An Ordinance to Protect the Health, Safety and General Welfare of the Persons and Property within the City of Leeds By Regulating the Burning Practices of Developers to Clear Land for Development Within the City and to Provide Penalties for the Violation Therefor."

WHEREAS, Ordinance No. 2008-10-01 stated in Section 1 that the Ordinance shall supercede all other laws, including all other City Ordinances.

WHEREAS, in order to clarify that Ordinance No. 2008-10-01 does not repeal Sec. 10-5 of the Code of Ordinances, City of Leeds, Alabama, the City of Leeds amends Section 1 of Ordinance No. 2008-10-01 to specifically state that Ordinance No 2008-10-01 does not supercede Sec. 10-5 of the Code of Ordinances, City of Leeds, Alabama and simultaneously revises, readopts and restates herein Sec. 10-5 of the Code of Ordinances, City of Leeds, Alabama.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Leeds that Section 1 of Ordinance 2008-10-01 shall read as follows:

SECTION 1: TITLE

This ordinance shall be known and cited as the "City of Leeds Burning Ordinance" and shall supercede all City, County and State laws pertaining hereto to the fullest extent allowed by law with the exception of Sec. 10-5 of the Code of Ordinances, City of Leeds, Alabama, titled "Open burning," as revised, readopted and restated by Ordinance 2009-03-02.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Leeds that Sec.10-5 of the Code of Ordinances, City of Leeds, Alabama, is restated as follows:

No person shall ignite, cause to be ignited, or maintain any open fire in the city limits or police jurisdiction of the city except as follows:

- (1) Open fires for the cooking of food for human consumption on other than commercial premises;
- (2) Fires for recreational or ceremonial purposes;
- (3) Fires to abate a fire hazard, providing the hazard is so declared by the fire department or fire district having jurisdiction;
- (4) Fires for prevention or control of disease or pests;
- (5) Fires for training personnel in the methods of fighting fires;

- (6) Fires for the disposal of dangerous materials, where there is no practical alternate method of disposal and burning is approved by the fire chief;
- (7) Fires set for recognized agricultural, silvicultural, range and wildlife management practices;
- (8) Fires set in salamanders or other devices used by construction or other workers for heating purposes;
- (9) Fires for the burning of trees, brush, grass and other vegetable matter in the clearing and maintenance of rights-of-way if such burning is done by the air curtain incinerator method, properly constructed and maintained, or an equivalent method specifically approved by the fire chief, and if burning is approved in writing by the fire chief;
- (10) Open fires specifically or expressly approved by the fire chief. (Ord. No. 412, § 1, 11-15-76)

COUNCIL ROLL CALL:

AYES: 6

NOES: 0

ABSENT FROM VOTING: 0

ABSTAIN: 0


CITY OF LEEDS, ALABAMA



R. ERIC PATTERSON, MAYOR

DATE: March 2, 2009

ATTEST:



KEVIN FOUTS, ACTING CITY CLERK

Councilmember Earnest moved for unanimous consent of the Council to suspend the rules of procedure to allow for the immediate consideration of the following Ordinance: 2009-03-02

The motion for unanimous consent by seconded by Councilmember Washington and upon the question, the vote thereon was as follows:

Ayes: 6

Nays: None

Mayor Patterson declared the motion carried and the rules suspended.

After said ordinance had been discussed and considered in full by the Council, Councilmember Carswell then moved for the adoption of Ordinance No. 2009-03-02 and to waive the reading of said ordinance at length. The motion was seconded by Councilmember Washington. The motion was regularly put and, upon roll call, the vote thereon was as follows:

Ayes: 6

Nays: None

The Mayor thereupon declared said ordinance passed and adopted as introduced.